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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,974	10/20/2003	Ronny Dewinter	7331	8664

7590 12/14/2004

SHLESINGER, ARKWRIGHT & GARVEY LLP  
3000 South Eads Street  
Arlington, VA 22202

EXAMINER
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SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/687,974

Applicant(s)

DEWINTER, RONNY

Examiner

Tony G. Soohoo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5 pgs total.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galinat et al 6550362 in view Sanders et al 5807458.

Galinat et al 6550362 (Galinat cited on PTO 1449) teaches the use of a chain package 12, 13, 13 with connective strips 14 as arrangement for a mechanized feed of cement additive material which is to fed above a mixer hopper 22.

The Galinat reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of using packages made of a material which may disintegrate in mortar or concrete.

The reference to Sanders (cited on PTO 1449) discloses a reinforcement fiber packaging as seen in figure 2-5 in which the material enclosing a parallel, side by side, set of reinforcing filaments is made of a material which is dispersible, column 4, lines 15 through column 5, line 2; column 6, lines 34-63; column 7, lines 56-68, to prevent the fibers from being tangled during introduction, see claim 1 of Sanders.

In view of the teaching of Sanders that it is desirable to bound fiber material with a dispersible package, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the material and fiber orientation of the reinforcing fibers and

chain of packages to a side by side fiber arrangement and packaging material which is dispersive so that the fibers introduced by device is prevented from being entangled during the introduction of the fibers to the mixture.

With regards to the direction of the fibers in the sack itself, a person having ordinary skill in the art would have been obvious to one of ordinary skill in the art to orient the fiber direction to the length of the sack so that the length of the fiber provided may be optimized in length.

With regards to the use of steel fibers, the use of steel fibers, and polymer fibers as reinforcement fibers are old and well known functional equivalents in the art of cement production. Additionally, it has been held that to substitute material in the skill of a person having ordinary skill in the art. Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the fiber material used in the process so as to produce a more stronger concrete or to more effectively change the cost of production.

3. Claims 8-9, and 13, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galinat et al 6550362 in view of Robb 191616531 and Lewis 4798508.

Galinat et al 6550362 (Galinat cited on PTO 1449) teaches the use of a chain package 12, 13, 13 with connective strips 14 as arrangement for a mechanized feed of individual package cement additive material which is to fed above and into a mixer 22.

The Galinat reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of cutting open the packages and removing the package.

The Robb reference (cited on PTO 1449) discloses a device and method of operation for feeding material to a cement mixer including providing series of sacks of materials 30 along a conveyor to a position above a mixer G and whereby the package is cut by a cutter 28 to release the contents of the package into the mixer.

The reference to Lewis teaches that a bag may be emptied by cutting the bag and the bag may be removed from the feed stream by the use of the spikes 19 for disposal.

In view of the teaching of the Robb reference that in a cement mixer feed system that one may cut the feed container prior to dispensing into the mixer, and the teaching of the Lewis reference that a cut bag may be removed away from the feed stream, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the steps of Galiant's invention to include cutting the bag and conveying away the package so that the material may be more easily dispensed into the mixer and to prevent the bag from entering the mixer so that the bag may be more easily dispensed.

4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galinat et al 6550362 in view of Robb 191616531 and Lewis 4798508 as applied to claim 8 above, and further in view of Sanders et al 5807458.

The prior art to Galinat et al (Galinat) as modified above discloses all of the recited subject matter as defined within the scope of the claims with the exception of the use of having the fibers oriented in parallel position and in corresponding length to the length of the container.

The reference to Sanders (cited on PTO 1449) discloses a reinforcement fiber packaging as seen in figure 2-5 in which the material enclosing a parallel, side by side, set of reinforcing filaments is made of a material which is dispersible, column 4, lines 15 through column 5, line 2; column 6, lines 34-63; column 7, lines 56-68, to prevent the fibers from being tangled during introduction, see claim 1 of Sanders.

In view of the teaching of Sanders that it is desirable to bound fiber material with a dispersible package, it is deemed that it would have been obvious to one of ordinary skill in the art to modify the method of Galinat as modified such that the material and fiber orientation of the reinforcing fibers and chain of packages to a side by side fiber arrangement and packaging material which is dispersive so that the fibers introduced by device is prevented from being entangled during the introduction of the fibers to the mixture.

With regards to the direction of the fibers in the sack itself, a person having ordinary skill in the art would have been obvious to one of ordinary skill in the art to orient the fiber direction to the length of the sack so that the length of the fiber provided may be optimized in length.

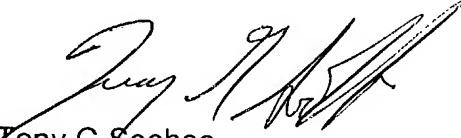
**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nielsen 5285930, Hafner et al 4119227, Reider et al 6348093, and Berg et al 4946339.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tony G Soohoo  
Primary Examiner  
Art Unit 1723

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